

**TESTIMONY FOR THE GENERAL LAW COMMITTEE**  
**HEARING DATED FEBRUARY 19, 2015 IN OPPOSITION TO PROPOSED**  
**§ 828 ENTITLED "AN ACT REQUIRING MUNICIPALITIES WITH HIGH**  
**DENSITY POPULATIONS TO ISSUE RENEWALS OF PERMITS FOR THE**  
**SALE OF ALCOHOLIC LIQUOR**

My name is Daniel A. Silver and I am an attorney in the law firm of Silver & Silver LLP with offices located at One Liberty Square, New Britain, Connecticut. A good portion of my firm's practice is involved with representing liquor permit holders in the application and renewal process. As such, I feel qualified to express my views concerning this proposed bill which is before you today. This proposal, although it may be well intended, is sponsored by Senator Fonfara who I have personally come to respect. However, in my opinion, it is unnecessary, creates additional and unnecessary levels of governmental regulation upon businesses struggling to exist in a difficult economy. This bill would clearly establish an additional mandate on local communities without funding from the State of Connecticut. The purpose of this bill would require the legislative body of highly populated municipalities to become involved in the approval of both new and renewed liquor permits throughout the State of Connecticut.

At the present time the responsibility for approval of new and renewed liquor permits has been placed under the Department of Consumer Protection Liquor Control Commission. This is a professional organization which is led by a highly professional Director, John Suchy, who has a long background in public safety as a member of the Norwalk Police Department. Under the direction of Mr. Suchy there is a staff of highly trained liquor agents who take great care in the investigation of proposed permits. To now pass new legislation which would mandate a second tier of investigation by local municipalities and the investigative process and required municipalities to add additional personnel most likely from the police department to conduct extensive investigations would lengthen the period of time which would be required for permits to be granted. At

alcoholic permit. I bring your attention to Section 30-39(4C) of the General Statutes which provides for a remonstrance hearing which can be brought by ten (10) persons who are at least eighteen (18) years of age and reside in the Town in which the permit or renewal has been applied for. This procedure allows citizens to object to the suitability of the Applicant or the proposed place of business. Upon the filing of such remonstrance the Department is required to give written notice to the Applicant and a hearing will be held on the remonstrance before the Liquor Control Commission. The Commission then has the right, under the present statutory scheme, to grant the remonstrance and deny either the permit or the renewal. As a lawyer for permit holders, I have conducted many remonstrance hearings – some of which I have won and others which I have lost as a result of allegations made by the public, including local public safety departments.

The enactment of this legislation would further establish an additional mandate to the municipalities which would be required to have their legislative body investigate liquor applications and renewals. There is presently in excess of five thousand (5,000) liquor permits in the State of Connecticut which need to be renewed on a yearly basis. The amount of time which would be required to be devoted to this process by the municipalities would be enormous. This bill does not contain any promise of reimbursement to the local communities for this additional work. This bill further fails to address the level of discretion which would be involved in the approval process by the local municipalities and could raise serious constitutional issues.

In addition, each public safety department is required to report to the Liquor Control Commission criminal activity at the permitted premises which reports can be and are used in disciplinary measures against liquor permit holders. The police reports themselves are admissible in disciplinary hearings without the required attendance of local public safety officials.

Just as important is the fact that this bill would totally alter the longstanding policy of this State since the end of prohibition that all liquor regulation is vested in the State. We are a small State and all alcohol regulations